

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
By: EMILY E. DAUGHTRY*
Special Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Tel.: (212) 637-1579
Fax: (212) 637-2717
* Authorized to represent the United States in this District.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERON ALEXANDER FRANCIS, et al. :
Plaintiffs, : ECF CASE
: NOTICE OF MOTION
v. :
THE BRONX-LEBANON HOSPITAL :
CENTER, et al., :
Defendants. :
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PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Federal Defendants' Motion to Substitute the United States as Defendant and to Dismiss the Complaint as Against the United States; the Declaration of Emily E. Daughtry, dated October 29, 2007, and the accompanying exhibits; and the Declaration of Richard G. Bergeron, dated August 30, 2007, defendants the Dr. Martin Luther King, Jr. Health Center, Robert C. Bingham, D.D.S., and Arnold V. Homer, D.D.S. ("the Federal Defendants"), by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, move this Court on October 29, 2007, for an order substituting the United States of America as defendant in place of the Federal Defendants and dismissing the Complaint as against the United States for

lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

Dated: New York, New York
October 29, 2007

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Federal Defendants

By: /s/ Emily E. Daughtry
EMILY E. DAUGHTRY
Special Assistant United States Attorney
86 Chambers Street
New York, New York 10007
Telephone: (212) 637-1579
Facsimile: (212) 637-2717

To: ROBERT J. GENIS, ESQ.
Attorney for Plaintiffs
SONIN & GENIS
1 Fordham Plaza, Suite 204
Bronx, NY 10458

JONATHAN A. MEISTER, Esq.
Attorney for Defendants
Bronx-Lebanon Hospital Center
Indranil Gupta, M.D.
Rajesh Shenoy, M.D.
Aaronson, Rappaport, Feinstein and Deutsch, LLP
757 3rd Ave.
New York, NY 10017